

**USER MANUAL
FOR
OUTFITTER AMENDMENTS
MAJOR, MINOR
&
ONE TIME CONTROLLED HUNTS
OUTSIDE OF OPERATING AREAS**



STATE OF IDAHO

OUTFITTERS & GUIDES



In cooperation with the United States Forest Service and Bureau of Land Management

1365 N. Orchard, Room 172
Boise, Idaho 83706
(208) 327-7380
Fax (208) 327-7382
www.state.id.us/oglb/oglbhome.htm

April, 2004

INTRODUCTION

The IOGLB regulates the outfitting and guiding industry in Idaho for the explicit purpose of safeguarding the health, safety, and welfare of the public. By law, the IOGLB serves other key missions, including the promotion of public recreation and tourism, and helps to conserve the state's fish and wildlife resources.

The outfitting industry plays an important role in the recreation and tourism industry in Idaho. Providing outdoor recreation services and opportunities to the public is a challenging profession, with many potential rewards and lots of hard work. Once an outfitter is already licensed, options may be pursued to amend the permit and license.

PURPOSE

This manual has been prepared for existing licensed outfitters who are interested in applying to the Idaho Outfitter and Guides Licensing Board (IOGLB) for an amendment to their outfitters license. This manual explains the difference between a major and minor outfitter amendment and a minor designated agent or guide amendment (incidental). It also provides a step-by-step process on completing amendment applications and steps needed to reissue an amended license and federal permit when applicable. This manual also explains how to pursue one-time authorization for a controlled hunt.

Major Outfitter Amendments include all outfitter license amendment requests requiring Board research, or which require a recommendation of a land management agency before the Board takes final action, i.e., change in licensed operating area; licensed or permitted activities; a change in business operations; a redistribution of operating area(s), a boundary adjustment; or a change in ownership or business entity where no change in control exists.

Minor Outfitter Amendments include all outfitter license amendment requests that can be processed by the Board that may require outside research, a change in reports, directory changes, a change in the bonding information, and changes to the IOGLB website or which require recommendations by a land managing agency before the Board takes final action on the amendment request, i.e., a change in DBA; the addition or removal of a designated agent from an outfitter license; or removing activity(s) or operating area(s) when not associated with a full sale.

Minor Designated Agent and Guide Amendments also known as incidental amendments, include all license amendment requests that can be processed by the Board without requiring outside research or recommendation of a land managing agency before the Board takes final action on said amendment request, i.e., guide license amendments, adding an activity to the designated agent license amendments (w/outfitter).

One-time Controlled Hunt outside of hunting area involves an outfitter wishing to conduct a controlled hunt outside of his licensed area with a client with a controlled hunt permit.

RELATIONSHIP TO OTHER MANUALS

IOGLB maintains manuals that provide specific information on:

- Buying and Selling An Outfitter Business —
- New Outfitter Applications —
- Allocated and Outfitter Controlled Hunts —
- A more detailed set of rules is available on the IOGLB Website at www.state.id.us/oglb. —
- More complete instructions regarding federal agencies are available from the local offices. —

This handbook has been developed from the Outfitters and Guides Act as amended under Idaho Code, Title 36, Chapter 21, and applicable sections of Idaho Code, Title 6, and Chapter 12. This handbook does not replace or supplant the aforementioned code. IOGLB maintains an up to date set of statutes and administrative rules on its website at www.state.id.us/oglb

TABLE OF CONTENTS

1.0	GENERAL INFORMATION.....	1
1.1	Outfitter	1
1.2	Designated Agent	1
1.3	Guiding In Idaho	1
1.4	Qualifications	1
1.5	License Requirements And Restrictions	1
1.6	Compliance With Laws.....	2
1.7	Federal Permits	2
1.8	Outfitter License Tenure	2
1.9	Outfitter Waiting List.....	3
1.10	Applying For A New Outfitter Application.....	3
1.11	Changes To An Outfitters Operating Area Or Activities	3
1.12	Privately Held Lands	3
2.0	INSTRUCTIONS FOR A MAJOR OUTFITTER AMENDMENTS	3
2.1	General Processing Timeline	4
2.2	Application procedures for Major Outfitter Amendments On Federal Permitted Lands	4
2.2.1	Exhibit 1	4
2.3	Application Procedures For An Amendment On State Managed Land.....	6
2.3.1	Exhibit 2	6
2.4	Application Procedures For A Major Amendment On Privately Held Lands	8
3.0	INSTRUCTIONS FOR A MINOR OUTFITTER AMENDMENT.....	8
3.1	General Processing Timeline	9
3.2	Application Procedures for Minor Outfitter Amendments.....	9
3.2.1	Exhibit 3	9
4.0	INSTRUCTIONS FOR A MINOR DESIGNATED AGENT AND GUIDE AMENDMENTS.....	9
4.1	General Processing Timeline	10
4.2	Application Procedures for Minor Designated Agent and Guide Amendments	10
4.2.1	Exhibit 4	10
5.0	INSTRUCTIONS FOR ONE TIME CONTROLLED HUNT ON PERMITTED LANDS.....	10
6.0	APPLICATION INSTRUCTIONS AND MATERIALS	11
7.0	EXAMINATION.....	13
8.0	EVALUATION OF THE OUTFITTER AMENDMENT	13
9.0	IOGLB FEES.....	13
10.0	LICENSING.....	13
	APPENDIX	15
	DEFINITIONS.....	15
	ATTACHMENT 1.....	17
	AMENDING AN OUTFITTER PERMIT FLOWCHART	17
	ATTACHMENT 2.....	19
	CHECKLIST FOR AMENDING AN OUTFITTER LICENSE	19

1.0 GENERAL INFORMATION

1.1 Outfitter

An Outfitter is any individual, firm, partnership, corporation, or other organization or any combination thereof who offers professional services in this state and who provides facilities, equipment, and services as advertised or as agreed upon between the outfitter and the client.

An outfitter license is not required of any individual, group, corporation, or club, which limits its services to a membership or an organization that does not offer services to the general public. A group, corporation, or club formed to solicit participation from the general public and to provide services on a guided and/or paid basis beyond a sharing of expenses shall be required to be licensed.

Currently, IOGLB has a moratorium on licensing waterfowl or upland game (except forest grouse, chukar, and turkeys, under certain circumstances). Wagon and sleigh rides are exempt by statute from IOGLB licensing. Nonprofit organizations may be exempt by statute from IOGLB licensing after their application has been reviewed and they are determined to be a qualified nonprofit organization. However, these activities do require a federal permit or state authorization.

1.2 Designated Agent

When the applicant is a corporation, firm, partnership, or other organization or combination thereof, a supplemental form shall be completed and it shall designate at least one (1) designated agent who is a qualified outfitter who shall be responsible for the outfitting business. The outfitter business and designated agent(s) must each complete an application and obtain licenses. Any applicant who has been approved by the IOGLB as a designated agent must submit a bond prior to the issuance of a license.

1.3 Guiding In Idaho

To guide in Idaho, a person must be licensed as a guide, and must be employed by an outfitter. A sole proprietor or designated agent license includes a guide license with the license fee if the applicant possesses the qualifications of a guide as determined by the IOGLB.

A guide license shall specify all activities for which a guide is qualified to guide and shall indicate the outfitter(s) who signed the guide license application as the employing outfitter(s); and identify such limitation(s) or qualification(s) as may be imposed by the IOGLB in issuance of said license.

1.4 Qualifications

An applicant for an outfitter license must meet the following criteria:

Age: Be at least eighteen (18) years of age.

First Aid: An outfitter who wishes to guide must hold a current first aid card and be aware of general emergency procedures.

Knowledge: Have extensive, first-hand knowledge of the area and/or waters and/or activities involved in his proposed operation. When the application includes big game hunting, he must know the habits of the game sought and hunting techniques that are successful in the area, be able to care for meat and trophies, and be familiar with Idaho Department of Fish and Game (IDFG) and firearm laws.

Training: Have completed and demonstrated to the IOGLB proper training for the activity.

1.5 License Requirements And Restrictions

Qualifications: The qualification(s) of an outfitter or guide licensee shall be determined in accordance with Idaho Code, Title 36, Chapter 21, and Rules promulgated thereunder.

License: An outfitter must be in possession of a license before commencing outfitting, guiding, or acting in any capacity as an outfitter. **The submission of a license application does not fulfill this requirement.**

Operating Area & Activities: An outfitter's license shall have set forth upon its face or an attachment thereto a specific operating area(s) and the specific activities including client and harvest limitations or restrictions which the licensee is authorized to conduct outfitter services. The outfitter is limited to the operating area and activities on the license.

Amendments: IOGLB may consider amending these operating areas and activities upon receipt of a formal amendment submitted by the outfitter. An outfitter amendment manual is available from IOGLB. The approval process is similar to the application process.

Qualified: In order to operate, all outfitters must be qualified to guide or have in their employment a licensed guide or a designated agent who is licensed to guide and who are qualified for the activities for which the outfitter is licensed.

Review: An outfitter's qualifications to guide shall be reviewed by the IOGLB and, if approved, will be issued both an outfitter and a guide license at no additional fee.

Guide Restrictions . A guide shall not guide for any activities, on any water, or in any operating area for which the employing outfitter is not licensed.

Limitation: A limitation in number of clientele served, operating area, or any other criteria affecting the safety, health, and welfare, of the public or viability of the fish, wildlife, or other natural resources shall be imposed in licensing where such limitation is deemed necessary by the Board.

1.6 Compliance With Laws

All licensees must comply with all local, state, and federal laws. They must at all times cooperate fully with private landowners, public land management agencies, and/or stockmen and respect their rights and privileges. They must advise clients of all applicable conservation and game laws and must not condone or willfully allow their violation. They must report all violations to a law enforcement officer. In instances where violations of local, state, or federal laws have occurred, such violations will be handled in accordance with the following discretionary criteria:

Violations : An applicant who has never held an outfitter or a guide license and who has been convicted of a violation of local, state, or federal law may be required to appear before the Board. Each such conviction will be appraised, and a decision to approve or deny the application will be based upon the nature and the circumstances of the violation.

Examination by IOGLB : When a license holder is convicted of a violation of local, state, or federal law, the IOGLB will examine the nature of the violation and the circumstances to determine whether a hearing shall be held. The potential outcome could involve restricting, suspending or revoking the outfitter or guide license, or imposing an administrative fine for any violation. Any such violator may be required to appear before the IOGLB before a license will be issued for the following year.

Notification: If you have received a conviction, withheld sentence, forfeiture or denial, you must attach an explanation, including the year and location of such, to the application.

Note: For the purpose of licensing, the term "conviction" shall mean a finding of guilt [etc. from 36-2113 (b)].

1.7 Federal Permits

Outfitters wishing to operate on federally managed lands or waters must have a current state license issued by IOGLB and a current federal permit issued by the appropriate federal agency in order to operate. Typically, federal permits are issued by federal agencies following the issuance of an IOGLB license. IOGLB coordinates license activities with federal agencies but cannot control federal permitting processes.

The USFS Special Use permit is issued as a temporary or priority permit as determined by the authorized officer. Temporary permits may be reissued as priority use after demonstration of their acceptable performance for a minimum of two years. The issuance of an initial priority permit is a rare occurrence.

An annual BLM Special Recreation Permit is issued for one or more years before issuing a multi-year permit. A permit for up to five years with annual validation may be issued after acceptable performance under an annual permit.

1.8 Outfitter License Tenure

Tenure in any outfitter's operating area ceases with the expiration of his outfitter license at the end of the annual license period which is currently March 31. Priority in the operating area may be maintained by submitting a complete application for a license for the ensuing license period before the expiration date of the current license. If the IOGLB does not receive a completed application within ninety (90) days following the end of the license period, the license is relinquished. This date is currently June 30.

1.9 Outfitter Waiting List

When there is competitive interest or there are more outfitter applications than the maximum number of available opportunities, the Board will maintain a waiting list. When or if an available opening occurs and public announcement is made, the Board shall use the waiting list for direct notification to interested parties who will then be required to apply and go through the competitive process to be licensed.

1.10 Applying For A New Outfitter Application

Applicants can buy an existing outfitting business but must apply for a new outfitter license if not already licensed as an outfitter. See User Manual for New Outfitter Applications.

1.11 Changes To An Outfitters Operating Area Or Activities

Outfitters may request changes to their existing business. See User Manual for Outfitter Amendments, Major, Minor and One Time Controlled Hunts.

1.12 Privately Held Lands

The IOGLB recognizes the rights of private landowners and business owners and, at the same time recognizes the needs and interest of Idaho sportsmen. The Board feels that it must do all it can to help promote the outfitting industry in the State of Idaho and, when appropriate IOGLB encourages private land owners to consider providing public access to their privately owned property for public outdoor recreation activities. As a state agency responsible for regulating outfitting and guiding opportunities in the state and protecting the health, safety, and welfare of the public, the Board believes that it has the responsibility, to help outfitters service the public without allowing outfitters to monopolize public access or public availability. The IOGLB has determined the conditions outlined below and in Section 5.5, Exhibit 3, that it must take as a state agency, in licensing outfitters to provide public opportunities on private lands.

- The proposed outfitting opportunity should not restrict public access to public lands accessible only through the private lands that are being proposed for outfitting.
- The proposed outfitter operating area on private lands has the capacity to offer adequate hunting, fishing or recreation opportunities. Typically land based operations and terrain not conducive to the proposed activity may not be considered.
- There should not be fish or wildlife issues identified by IDFG that cannot be reconciled by the private landowner and outfitter to the satisfaction of the licensing board.
- Private land owners holding IDFG Shooting Preserve Permits who wish to provide outfitted or guided services must obtain and maintain appropriate IOGLB license(s).
- Outfitter licenses will be issued to only the applicant applying for the license. The landowner(s) will have no controlling interest in the license unless they are the applicant(s).
- The proposed activities on the private land are not in conflict with other outfitters in the area.
- Once licensed, the outfitter must maintain with the Board a record of all lands that are going to be outfitted during a given year. Changes must be recorded by submitting revised legal descriptions, maps, and private landowner sign-off. IOGLB will review operating areas and will make a determination whether an amendment must be submitted. Please refer to the conditions as provided above.

2.0 INSTRUCTIONS FOR A MAJOR OUTFITTER AMENDMENTS

The Outfitter must determine the context in which the amendment is being submitted. The process for major outfitter amendments needs to be followed when an existing outfitter, agency, or IOGLB requests a major outfitter amendment. Refer to “Purpose,” on the introduction page for a description of major outfitter amendments.

It is important when considering an amendment to understand all of the processes that may result from your request. The amendment procedures and review are considerably different dependant upon agency jurisdiction and the area for which you are applying.

2.1 General Processing Timeline

Generally, this process may take 12 to 18 months to complete barring unusual factors.

2.2 Application procedures for Major Outfitter Amendments On Federal Permitted Lands

2.2.1 Exhibit 1

Step	Outfitter Process	Action	Background
1	To initiate consideration for a change in operating area, activities, business operations, or a redistribution of operating area etc. (refer to Major Outfitter Amendments), the outfitter contacts the IOGLB in writing.	When the IOGLB receives a written proposal from an existing outfitter requesting a major outfitter amendment, the applicant will be directed to complete an outfitter's amendment request, a revised operating plan, the upper portion of the Land Manager's Statement (OG-6) and contact the FS or BLM.	Individual amendment proposals from an existing outfitter requesting a change in operating area, activities, business operations, or a redistribution of operating area etc. may initiate the need for competitive application and a public application process.
2	Complete an Outfitter's Amendment Request form (OG-9), revised operating plan and, upper portion of Land Manager's Statement (OG-6) and submit to the FS or BLM. In situations where there is a change from sole proprietorship to a corporation etc. and no change in control occurs, a full application would need to be submitted with the amendment request.	When the FS or BLM receives a written proposal from an existing outfitter requesting a major outfitter amendment, initial screening is completed and a Preliminary Land Manager's Statement (OG-6) with at least the preliminary review column completed will be sent to IOGLB with the complete proposal.	
3	Proceed to step 5	When a proposal with a completed Preliminary Land Manager's Statement is received by the IOGLB, the IOGLB's Executive Director or designee will contact the FS or BLM to discuss the process for analyzing the specific case as necessary.	Notification and agreement on the process should generally be accomplished within 30 – 60 days of receipt.
4		If the FS or BLM determines the proposal is not in conformance with law, regulation, policy or management direction, the FS or BLM will notify IOGLB of this determination with the completed Final Land Manager's Statement with a written explanation. If IOGLB determines the proposal is not in conformance with law, regulation, policy or management direction, the IOGLB will notify the appropriate agency of this determination. If the FS, BLM or IOGLB determines the proposal is acceptable, the FS or BLM will then	The FS or BLM may complete one of two categories in the preliminary section on the Land Manager's Statement. The first category is typically used for minor amendments and the second category is typically used for new applications or for major amendments. They may also skip the preliminary section and move directly to the final section. If the applicants proposal is not consistent with laws, regulations, policy or management direction, the FS or BLM will skip the preliminary review on the Land Manager's statement and proceed to the final,

Step	Outfitter Process	Action	Background
		<p>proceed with initiating the National Environmental Policy Act (NEPA) requirements.</p> <ol style="list-style-type: none"> 1) If the FS, BLM or IOGLB determines the proposal warrants competitive applications, then use steps outlined in the “New Outfitter Application Manual.” 2) If the FS, BLM or IOGLB determines that the proposal is non-competitive, then proceed to step 5. 	explaining the reason for denial.
5	<p>If the FS, BLM or IOGLB determines the proposal is acceptable, notification will instruct you to complete and submit the necessary application forms and information needed to process the amendment to your license and to your federal permit when applicable. Refer to Application Instruction and Materials found later in this manual.</p> <p>Designated Agent and/or Guide Applications may be submitted at this time if necessary.</p>	<p>The FS and BLM will conduct scoping, which will include adjacent outfitters, IDFG, the public and other agencies.</p> <p>The FS or BLM reviews public comments and internal concerns to determine the issues identified. The responsible official will determine the appropriate environmental documentation (Categorical Exclusion, Environmental Assessment, Environmental Impact Statement). Scoping information and the selected level of environmental analysis will be shared with IOGLB.</p> <p>Note: Assessments of tag allocations between IOGLB and IDFG will occur during this step.</p>	Scoping is a requirement of the environmental analysis process outlined in the National Environmental Policy Act (NEPA), to help determine the level and range of issues.
6		<p>The FS or BLM completes the appropriate environmental analysis and the responsible official documents the decision in the appropriate environmental documentation. The FS or BLM conducts any required consultation with regulatory agencies.</p> <ol style="list-style-type: none"> 1) If the analysis determines the proposed amendment will not be authorized, the responsible official will offer to meet with the IOGLB to discuss the basis for the decision. The party making the proposal will be formally notified by the IOGLB regarding the environmental analysis decision. 	If IOGLB does not agree with the environmental analysis decision, IOGLB will initiate an appeal process.

Step	Outfitter Process	Action	Background
		2) If the analysis determines the proposed amendment will be authorized, the responsible official notifies the IOGLB of the decision and any terms and conditions identified.	
7	The Outfitter will be notified of the results of the analysis and decision. An exam will be required of the DA applicant, if applicable.	The FS or BLM completes the final Land Manager's Statement and forwards it to the IOGLB, indicating the intent to issue a permit.	
8	Submit additional requirements as applicable. Refer to Application Instruction and Materials found later in this manual.	The IOGLB issues an amended license, and the FS or BLM will either issue a new or an amended FS Special Use Permit or a BLM Special Recreation Permit. The amended license is issued as soon as all required applicant submittals are on file.	

2.3 Application Procedures For An Amendment On State Managed Land

2.3.1 Exhibit 2

Step	Outfitter Process	Action	Background
1	To initiate consideration for a change in operating area, activities, business operations, or a redistribution of operating area etc. (refer to 2.1 Major Outfitter Amendments), the outfitter contacts the IOGLB in writing.	When the IOGLB receives a written proposal from an existing outfitter requesting a major outfitter amendment, the applicant will be directed to complete an Outfitter's Amendment Request form (OG-9), a revised operating plan, the upper portion of the Land Manager's Statement (OG-6) and contact state land management agency.	Individual amendment proposals from an existing outfitter requesting a change in operating area, activities, business operations, or a redistribution of operating may initiate the need for competitive application and a public application process.
2	Complete an Outfitter's Amendment Request form (OG-9), a revised operating plan, upper portion of Land Manager's Statement (OG-6) and submit to the state land management agency. In situations where there is a change from sole proprietorship to a corporation etc. and no change in control occurs, a full application would need to be submitted with the amendment request.	When the state land management agency receives a written proposal from an existing outfitter requesting a major amendment, initial screening is completed and a preliminary Land Manager's Statement (OG-6) will be sent to IOGLB with the complete proposal.	

Step	Outfitter Process	Action	Background
3	Proceed to step 5	When a proposal with a completed preliminary Land Manager's Statement is received by the IOGLB, the IOGLB's Executive Director or designee will contact the state land management agency to discuss the process for analyzing the specific case as necessary.	Notification and agreement on the process should generally be accomplished within 30 – 60 days of receipt.
4		<p>If the state land management agency determines the proposal is not in conformance with law, regulation, policy or management direction, the state agency will notify IOGLB of this determination with the completed final Land Manager's Statement with an explanation.</p> <p>If IOGLB determines the proposal is not in conformance with law, regulation, policy or management direction, the IOGLB will notify the appropriate agency of this determination.</p> <p>If the state land management agency and IOGLB determine the proposal is acceptable, the state land management agency will take the lead in conducting the "scoping" process in cooperation with the IOGLB. Public participation appropriate to the proposal is sought including contacting adjacent outfitters and the IDFG.</p> <p>3) If the state land management agency or IOGLB determines the proposal warrants competitive applications, then use steps outlined in the new outfitter application manual.</p> <p>4) If the state land management agency or IOGLB determines that the proposal is non-competitive, then proceed to step 5.</p>	<p>The state land management agency may complete one of two categories in the preliminary section on the Land Manager's Statement. The first category is typically used for minor amendments and the second category is typically used for new applications or for major amendments. They may also skip the preliminary section and move directly to the final section.</p> <p>If the applicants proposal is not consistent with laws, regulations, policy or management direction, the state land management agency will skip the preliminary review on the Land Manager's Statement and proceed to the final, explaining the reason for denial.</p>
5	If the state land management agency or IOGLB determines the proposal is acceptable, notification will instruct you to complete and submit the necessary application forms and information needed to process the amendment to your license and to your state lease agreement when	The IOGLB and the respective agency will cooperatively review public comments and internal concerns to determine the issues identified. If it is determined that environmental documentation is needed, IOGLB will arrange with the responsible agencies.	

Step	Outfitter Process	Action	Background
	applicable. Refer to Application Instruction and Materials section found later in this manual. Designated Agent and/or Guide Applications may be submitted at this time if necessary.	Note: Assessments of tag allocations between IOGLB and IDFG will occur during this step.	
6		The IOGLB and state land management agencies complete the appropriate review and any required consultation. 3) If the analysis determines the proposed activity will not be authorized, outfitter and respective agencies will be notified. 4) If the analysis determines the proposed activity will be authorized, the outfitter and respective agencies will be notified. A joint review session is may be scheduled, if necessary.	
7	The Outfitter will be notified of the results of the analysis and decision. Exam will be required of the DA applicant, if applicable.	The State Land Management agency completes the final Land Manager's Statement and forwards it to the IOGLB, indicating the intent to issue a permit.	
8	Submit additional requirements as applicable. Refer to Application Instructions and Materials section of this manual.	The IOGLB issues an amended license and the state land management agency will either issue a new or an amended lease agreement. The amendment and license are issued as soon as all required applicant submittals are on file.	

2.4 Application Procedures For A Major Amendment On Privately Held Lands

Each situation will be different when addressing amendments that may occur on private lands. It is imperative to meet with the IOGLB and the Landowner and obtain a signed private landowner's statement. If the private landowner signs the private landowner's statement and has no concerns, follow the process in Exhibit 2 to address IOGLB requirements for completion of the major amendment process. Additional information may be required to be submitted with the Amendment proposal (refer to "New Outfitter Applications Manual" or "Buying and Selling an Outfitter Business Manual": see Privately Held Lands).

3.0 INSTRUCTIONS FOR A MINOR OUTFITTER AMENDMENT

The outfitter must determine if the amendment they are requesting is a major or minor outfitter amendment Refer to 2.1 "Purpose" for a description of minor outfitter amendments. Minor amendments usually have little impacts on the land; therefore, an extensive review process is generally unnecessary. Minor amendments mainly include outfitter administrative changes.

3.1 General Processing Timeline

Generally, this process may take 1-3 months to complete barring unusual factors.

3.2 Application Procedures for Minor Outfitter Amendments

3.2.1 Exhibit 3

Step	Outfitter Process	Action	Background
1	To initiate consideration for name changes, change in DBA, removing activity or an area when not with a full sale (refer to 2.1 “Minor Outfitter Amendments”), the outfitter contacts the IOGLB in writing.	When the IOGLB receives a written proposal from an existing outfitter requesting a minor outfitter amendment, the IOGLB will request the Outfitter’s Amendment Request form (OG-9) and a Land Manager’s Statement be completed and that contact be made with the appropriate land management agency or private landowner regarding the proposed changes.	Since these minor amendments have little to no impacts on the land, no extensive review process is usually necessary.
2	Complete an Outfitter Amendment Request form (OG-9), the upper portion of the Land Manager’s Statement and any additional documents that may be needed so that the request may be reviewed and submit to the IOGLB and the appropriate land management agency or private landowner.	The appropriate land management agency will review the request and share any concerns or recommendations regarding the request with the IOGLB. A preliminary Land Manager’s Statement will be completed and returned to IOGLB. IOGLB will review the documents and determine whether more information is necessary.	
3	Additional documents may be requested.	If all parties are agreeable and required documentation is complete, the amendment will be approved. A Final Land Manager’s Statement will be completed and returned to IOGLB.	
4	Submit additional requirements as applicable. Refer to Application Instructions and Materials.	The IOGLB issues an amended license. The amendment and license are issued as soon as all required applicant submittals are on file.	

4.0 INSTRUCTIONS FOR A MINOR DESIGNATED AGENT AND GUIDE AMENDMENTS

These amendments are administrative in nature and do not usually require contact with the land management agency or private landowner for processing. Refer to 2.1 “Purpose” for a description of minor designated agent and guide amendments.

4.1 General Processing Timeline

Generally, this process may take 1-3 months to complete barring unusual factors.

4.2 Application Procedures for Minor Designated Agent and Guide Amendments

4.2.1 Exhibit 4

Step	Outfitter Process	Action	Background
1	To initiate consideration for guide amendments and designated agent amendments the outfitter, guide or DA submits an “Outfitter’s Amendment Request” form (OG-9), amendment fee and training forms as necessary to the IOGLB. Refer to Application Instructions and Materials.	When the IOGLB receives these forms that request minor designated agent and guide amendments, the IOGLB will review and analyze the application and request additional information if necessary.	The guide or DA must meet and provide proof of original training requirements for the area and activity to be added or amended.
2	Complete and submit additional information as requested.	If there are no reasons for denial and required documentation is complete, the amendment will be approved. The IOGLB issues an amended license. The amendment and license are issued as soon as all required applicant submittals are on file	

5.0 INSTRUCTIONS FOR ONE TIME CONTROLLED HUNT ON PERMITTED LANDS

It is important when considering a request for a one-time controlled hunt to understand all of the processes that may result from your request.

If the one-time controlled hunt is for an area that is currently licensed, permitted or leased to an existing Outfitter for similar activities and no extraordinary circumstances exist, the following procedures need to be followed. A minimum of 10 days lead-time is required to process these applications.

- Obtain written permission from all other outfitters whose licensed area(s) will be directly involved in the hunt. *However, under extenuating circumstances, the Board may overrule this requirement with trophy species hunts.*
- Obtain written permission from all applicable landowners and land managers.
- Obtain approval from the Outfitter and Guide Licensing Board to conduct the hunt by satisfying the following criteria:
 - Must be licensed for the controlled hunt species.
 - Send a written request to the Board for special one-time hunt approval to include the hunter name and address, hunting license, tag and permit numbers, controlled hunt number and dates of hunt.
 - Submit appropriate fee. Currently \$10, after January 2005, \$35.

However, if the one-time controlled hunt would introduce new activities that would require scoping, particularly in an area that has never been outfitted, a major outfitter amendment may be required.

The procedures, review and time commitments may be considerably different depending upon agency jurisdiction and the area for which you are applying. If a proposal for a one-time controlled hunt is submitted without adequate time for review, the proposal will most likely be denied.

Consecutive requests for one time controlled hunts in the same area are unusual and may require an outfitter to submit a major outfitter amendment to add the area as part of their operating area.

6.0 APPLICATION INSTRUCTIONS AND MATERIALS

Application forms and a current copy of the Idaho Outfitters and Guides Law and Licensing Board Rules may be obtained from IOGLB's website: www.state.id.us/oglb/oglbhome.htm.

Or

By contacting IOGLB at 1365 North Orchard, Room 172, Boise, ID 83706, (208) 327-7380.

The application must be prepared, using the appropriate forms outlined below. Be sure to provide all required information on each form, using additional sheets if necessary. Please be especially careful to be sure that the information is legible, concise and to the point and is factual. It is a felony to provide false information in a state or federal application.

As Part of the application to IOGLB, the applicant must complete either an OG-1 or an OG-2.

OG-1 – Sole Proprietor

A type of business option where the outfitter is the sole entity. Applicants may automatically receive a guide license, if they intend to guide, and are qualified, at no additional charge. A designated agent is optional but not required.

OG-2 – Corporate, firm, partnership, or other business entity

A type of business option where the outfitter is incorporated. The applicant must also license someone to serve as designated agent. Corporate or partnership applications must include a copy of the Articles of Incorporation filed with the Secretary of State of Idaho or a signed partnership agreement.

OG-3 – Designated Agent

Applicants submitting an OG-1 may elect to hire someone to act as designated agent for their business. An OG-3 form can be submitted at any time.

Applicants submitting an OG-2 form must hire someone to act as designated agent for their business. An OG-3 form must be submitted at the time of initial application.

A Designated Agent may receive a guide license at no additional charge if he intends to guide and is qualified.

OG-4 – Guide Applications

In order to be licensed, sole proprietors or corporations must have someone licensed to guide. If the sole proprietor or a designated agent is not qualified to guide, then a separate guide license application must be submitted and approved.

In addition to the guide application, please submit the appropriate training forms listed below.

Separate Guide applications may be submitted once the applicant is licensed as an outfitter using this form.

OG-5 – River Boating Application

All applications dealing with river activities (float boating, power boating) must identify on this form the proposed river section, lake or reservoir where they hope to operate. This form also includes instructions with regard to OG-11 and OG-17.

OG-6 – Land Manager's Statement

Proposals and completed applications require permission from the land or resource manager/owner, such as the USFS, BLM, Idaho Department of Lands, private property owners, etc. A preliminary Land Manager's Statement must be submitted with all applications, major and minor amendments, and sales agreements to IOGLB.

All applications require an OG-6. There are two stages to utilizing this form that are explained in actions outlined in appropriate exhibits above.

OG-7 – Operating Plan

One of the most significant elements of the application process.

We recommend providing as much detail as possible, using additional pages if necessary (see Operating Plan below).

<u>OG-8 – Financial Statement</u>	Financial status information is a critical part of the overall license proposal. Personal or corporate financial statements are acceptable in lieu of this form.
<u>OG-9 – Outfitter’s Amendment Request</u>	This form is necessary when there is a proposed change to the outfitter, guide, or designated agent license.
<u>OG-11 – Boat Training Log</u>	River Training Log for Guides. This form must accompany the OG-1, OG-3, or OG-4 form when the applicant wishes to guide using a power or float boat. Please refer to OG-5 for instructions.
<u>OG-12 – Performance Bond</u>	A Performance Bond, at a minimum of \$10,000 is required to be provided prior to final approval and issuance of the outfitter license. It isn’t necessary to include this certification when the initial application is submitted. A suggested form for this purpose is provided. Insurance agency documentation is also acceptable.
<u>OG-13 – Relinquishment Form</u>	<p>This form is only used during a sale or a transfer of a business.</p> <p>It is executed by the seller and is required to be submitted prior to final approval. By executing this form, the seller acknowledges he will no longer have any interest in the business once the sale is completed.</p> <p>Not always applicable.</p> <p>See user manual for “Selling an Outfitter Business”.</p>
<u>OG-14 – Document Release Authorization</u>	This form authorizes IOGLB to share information with other agencies needed to process the application.
<u>OG-15 – Certified Hunting Guide Training Form</u>	Training form for guides. This form must accompany the OG-1, OG-3, or OG-4 form when the applicant wishes to act as a hunting guide.
<u>OG-16 – Certified Snowmobile Guide Training Form</u>	Training form for guides. This form must accompany the OG-1, OG-3, or OG-4 form when the applicant wishes to act as a snowmobile guide.
<u>OG-17 – Request for Boater’s Validated Training Form</u>	This is an alternative training form which can be used for guides in certain instances in place of the OG-11. Please refer to OG-5 for instructions.
<u>OG-18 – 500-Mile Log</u>	Log of River experience of at least 500 miles as a commercial float boat guide.

- The use of an assumed business name, or “dba,” requires that name to be filed at the Secretary of State of Idaho in the State Capitol building in Boise, web site: www.idsos.state.id.us/internet, or by calling (208) 334-2301. A copy of that certification must be provided to the IOGLB along with the license application.
- The Contract of Sale/Sales Agreement must be submitted along with the initial application materials when the applicant is associated with the sale or transfer of a business. See user manual for “Selling an Outfitter Business.” Note: When developing the contract, do not refer to the transaction as “selling or transferring the outfitter license.” Outfitter, Designated Agent, and Guide licenses are not transferable. A better alternative would be “selling or transferring the outfitter business.”
- Maps and ownership documents must be submitted when proposing to provide outfitter and guide client services on private land. These documents include:
 - providing a location map identifying the new areas requested for licensing and names and locations of camps to be used;
 - a copy of the deed or title to the property (must include a legal description of the property);
 - a plat or survey map identifying boundaries of the new operating area.

It isn’t necessary to include liability or bonding certifications or annual license fees until after the Board has completed its review and reached a decision to approve the application.

7.0 EXAMINATION

Only amendments for designated agent licenses will require the DA applicant to take a written, open book, and/or oral examination on the Act, the Rules, and general outfitting procedures. If the applicant fails the test, he may retake it after a fifteen (15) day waiting period. If he fails it a second time, the application for that license year will be denied due to an insufficient knowledge of matters essential to the conduct of an outfitter operation.

8.0 EVALUATION OF THE OUTFITTER AMENDMENT

In evaluating an outfitter amendment for approval or denial, the IOGLB shall consider, but not be limited to, the following criteria:

- **Compliance:** Outfitter compliance with qualification criteria as prescribed in the Act and the Rules.
- **Need For Services:** The public need for the proposed amendment.
- **Equipment and Resources to Operate:** The Outfitter's qualifications by reason of equipment or resources to operate.
- **Previous Record:** The Outfitter's previous record.
- **Accessibility of Area:** The accessibility of the area and use by the general public, the commercial use already licensed in the area, the particular terrain, and normal weather conditions during the season of operation.
- **Area Requested:** The total amount of area requested, giving due consideration to the effect such license would have upon the environment, the amount of game available to be harvested, the probable impact on the area should the license be issued, and the number of persons who can be adequately served in the area.
- **Operating Plan:** The adequacy and acceptability of the proposed amendment.
- **Personnel Management:** The applicant's ability to manage and direct personnel and guests.

9.0 IOGLB FEES

Currently for major outfitter amendments, the applicant must submit a \$75 amendment fee at the time the amendment is submitted to IOGLB. As of January 2005 the fee will be raised to \$200.

Currently for minor outfitter amendments and one-time controlled hunts, the applicant must submit a \$10 amendment fee at the time the amendment is submitted to IOGLB. As of January 2005 the fee will be raised to \$35.

Currently for minor designated agent and guide amendment, the applicant must submit a \$10 amendment fee at the time the amendment is submitted to IOGLB. As of January 2005, the fee will be raised to \$20.

A separate amendment fee must be paid for each amendment submitted. In addition, all designated agents and guides must submit applications and the applicable fees that are required for their licenses. Note: Applications for Designated Agent and Guide licenses not essential or required to operate may be submitted as needed.

Payment must be in the form of a certified check, cashier's check, money order, outfitter's company check, or outfitter's/designated agent's credit card. Outfitters are expected to pay other fees as required by respective agencies. Example are federal outfitter permit fees, and fees for IDFG licenses and tags.

10.0 LICENSING

The Executive Director may approve all routine license applications with concurrence from the Board. Typically, a new outfitter application with extenuating circumstances will be deferred to the Board for review and approval when more than one (1) applicant submits a complete application in response to a prospectus. A hearing typically will be held to decide the successful applicant.

In order to be licensed some final information needs to be submitted including:

- Adequate liability insurance for the outfitter is required to be submitted prior to license issuance. This coverage must be in the minimum aggregate of \$300,000 for bodily injury or death, in the minimum aggregate of \$500,000 for vehicles per occurrence.

- Performance Bond (OG-12), at a minimum of \$10,000 is required to be provided prior to final approval and issuance of the outfitter license. It isn't necessary to include this certification when the initial application is submitted. A suggested form for this purpose is provided. Insurance agency documentation is also acceptable.
- Relinquishment form (OG-13), if applicable.
- Annual License Fees.

APPENDIX DEFINITIONS

Application - A packet of documents required by agency to determine eligibility for license or permit.

Amendment - Minor or major change to an existing license.

Bonafide - Certified authentic.

BLM - United States Department of Interior, Bureau of Land Management.

Board - The five (5) members Idaho Outfitter and Guide Licensing Board. Four (4) members appointed by the governor, and (1) member appointed by the Idaho fish and game commission.

Completed Application -An application submitted for Board consideration, which contains all of the material required to be submitted by the Board for that license category.

Corporation, LLC, firm or partnership - Type of business entity license. Requires a designated agent license.

Director - The Executive Director of the IOGLB.

Designated Agent - One (1) or more individuals who meet all qualifications for an outfitter's license, who is employed as an agent by any person, firm, partnership, corporation, or other organization or combination thereof that is licensed by the Board to operate as an outfitter and who shall, together with the licensed outfitter, be responsible and accountable for the conduct of the licensed outfitter's operations.

DBA - Doing Business As, assumed business name.

Exam - An open book test that a sole proprietor or designated agent is required to pass in order to qualify for a license.

Financial Statement - Statement of financial status information, personal or corporate.

FS -Department of Agriculture, United States Forest Service

Guide - any natural person who is employed by a licensed outfitter to furnish personal services for the conduct of outdoor recreational activities directly related to the conduct of activities for which the employing outfitter is licensed.

License - Legal authorization from IOGLB to operate as an outfitter, designated agent or guide in Idaho.

IOGLB - Idaho Outfitter and Guides Licensing Board. A state agency comprised of a five member Board who serve on a part-time basis, an Executive Director and various staff persons.

Land Manager's Statement - A form that must be filled out and signed by the land managing agency or private landowner. This form must accompany the application.

List of Assets - List of items being sold with the business.

LLC - Limited Liability Company

Major Amendment - All outfitter license amendment requests requiring Board research or recommendation of a land management agency or other agency before the Board takes final action on the amendment request i.e. change in licensed operating area, licensed or permitted activities, business operations, or a redistribution of operating area (boundary adjustment).

Minor Amendment - All outfitter license amendment requests that can be processed by the Board without requiring outside research or recommendation of a land managing agency or other agency before the Board takes final action on said amendment request, i.e. name changes, change in DBA, removing activity or an area when not with a sale, guide amendments, designated agent amendments.

Negligible Use – As determined by the demand on the activities as reviewed by the Board. The Board will consider extenuating circumstances, i.e. acts of nature, amount of use, the type of use in the area, or demand on outfitted use on area or activity.

New Opportunity - A proposed commercial outfitted activity to be conducted in an area where no similar commercial outfitted activity has been conducted in the past.

Nonuse - See Definitions, Zero (0) use and Negligible Use.

Operating Plan - Applicant must submit a detailed plan on how they intend to operate, including campsites, user days, number of trips per year, etc.

Outfitter - An outfitter is an individual, firm, partnership, corporation, or other organization or any combination thereof who offers professional services in this state and who provides facilities, equipment, and services as advertised or as agreed upon between the outfitter and the client.

Outfitter License - A license issued by the Board to an individual, partnership, corporation, or other duly constituted organization to conduct activities as defined in Section 36-2102(b), Idaho Code. The conduct of an outfitted operation on any land(s) is not authorized unless signed permission, a permit, or a lease is obtained from the land owner(s), or their agent, and filed with the Board.

Prospectus – If a new outfitting and guiding opportunity exists and there is sufficient competitive interest, there will be a request for information outlining the main features of the business and operation.

Relinquishment Form - Form signed by the seller relinquishing all rights to business or portion of business that is being sold.

Responsible Official-A representative of an agency authorized by that agency to take specific administrative action.

Sales Agreement or Contract of Sale - Contract that transfers ownership of the outfitting business and legally binds the buyer and seller to certain terms. Contract must include a list of assets.

Sole Proprietor - A type of business option where the outfitter is the sole entity. A sole proprietor automatically receives a guide license, if they intend to guide, and are qualified, at no additional charge.

Staff - Employees of IOGLB other than the Executive Director.

Stock - Sum of money invested in an outfitting company.

Stock Sell or Transfer - Outfitting business may sell or transfer all or part of the stock invested in the company.

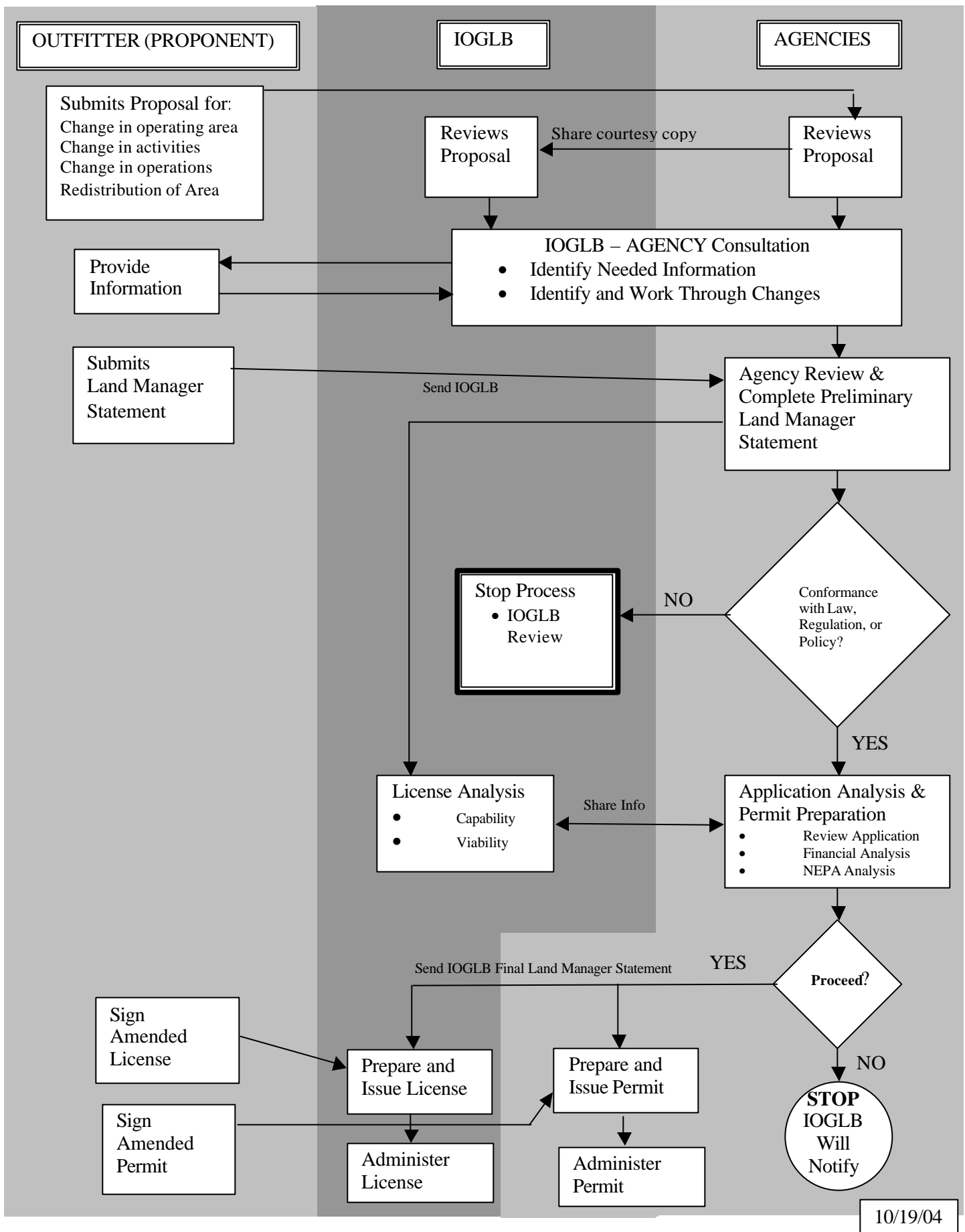
Transfers - Outfitting business transfers due to sale. There has been no break in the continuity of the permit or license, and agency analysis indicates continued outfitted operations are appropriate.

Zero Use - no or negligible use by an outfitter of his licensed activity unless the lack of use is due to an act of nature or season or hunting or fishing restrictions by a state or federal agency that limit the ability of the outfitter to seek and accommodate clientele.

All other definitions are available in IOGLB administrative rules on its website at www.state.id.us/oglb/oglbhome.htm.

ATTACHMENT 1

AMENDING AN OUTFITTER PERMIT FLOWCHART



ATTACHMENT 2

CHECKLIST FOR AMENDING AN OUTFITTER LICENSE

<p style="text-align: center;">CHECKLIST FOR</p> <p style="text-align: center;">AMENDING AN OUTFITTER LICENSE</p>

STEP 1

Outfitter initiates the process by notifying Agency and IOGLB in writing.

STEP 2

OUTFITTER PROVIDES TO AGENCY

- ☐ Copy of the draft-operating plan including maps (MOU: Attachment #2), if applicable to amendment
- ☐ Preliminary Land Managers Statement (OG-6) with the top portion filled out.
- ☐ Draft Sales Agreement (If Applicable)

STEPS 3 - 4

No action required by the applicant at this time. (See Manual)

STEP 5

If it is determined that the proposal is acceptable the outfitter will be instructed to complete and submit the necessary application forms.

OUTFITTER SUBMITS

- ☐ Outfitter Amendment Request (OG-9)
- ☐ Outfitter's Operating Plan (OG-7); this plan needs to indicate how the amendment will be incorporated into existing operating plan
- ☐ Associated Certified Training Forms (OG-11), (OG-5), (OG-16), (OG-17)
- ☐ Financial Statement (OG-8) (upon request)

STEP 6

No action required by the applicant at this time. (See manual)

STEP 7

Outfitter will be contacted by IOGLB. (See manual)

STEP 8

Applicant may be asked to provide additional information necessary to finalize the amendment process.